S.B. CIVIL WRIT PETITION NO.8316/2007

Mulakhraj Punshi.
vs.
Addl. Civil Judge (JD) No.1, Sri Ganganagar & ors.

Date : 19.12.2007

HON'BLE MR. PRAKASH TATIA, J.

Mr.HK Jain, for the petitioner.

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Heard learned counsel for the petitioner.

The petitioner/plaintiff is aggrieved against the order dated 28.11.2007 by which the trial court allowed the defendants' two applications filed under Order 6 Rule 17 CPC.

According to learned counsel for the petitioner, the amendments which were sought by the defendants by moving applications after commencement of trial and at the time of start of evidence of the plaintiff, were in the knowledge of the defendants and he could have taken all the defences in the written statement, therefore, the trial court committed error of law by allowing amendment even after amendment of Civil Procedure Code in the year 2002.

I considered the submissions of learned counsel for the petitioner and perused the reasons given in the impugned order.

The trial court considered the above aspect of the matter also and thereafter, exercised its discretion in favour of the defendants and allowed the amendment applications. In view of the above, I do not find any reason to interfere in the impugned order in the facts of this case.

Consequently, this writ petition, having no merits, is hereby dismissed.

At this stage, learned counsel for the petitioner submits that the petitioner is aged 80 years, therefore, the trial court may be directed to decide the suit expeditiously.

In view of this, the trial court is expected to decide the suit expeditiously.

(PRAKASH TATIA), J.

S.Phophaliya